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Attorney for Plaintiff

UNITED STATES DISTRICT COURT

FOR THE
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

Guida Maria Dennis,

Plaintiff,

vs.

Jennifer Marroquin,
Ira Porchia
Philip Pierschbacher,
Cherry Ave Middle School,
Tulare City School District,
County of Tulare,
&
Does 1-100

Defendants,

Case No. 1:22-cv-00045-JLT-BAM

Temporary Restraining Order

Proposed Order

Date: TBD

Time: TBD

Dept: TBD

***TO THE CLERK OF THE ABOVE-ENTITLED COURT AND THE NAMED
DEFENDANTS PARTY TO THIS LAWSUIT:***

PLEASE TAKE NOTICE that on the above listed date and time, or as soon thereafter as
counsel can be heard, PLAINTIFF Guida Dennis, (hereafter referred to as Plaintiff) through
counsel, will move the court for an order granting her Temporary Restraining Order.

1 Upon noticed motion by the moving party, and it appearing to the court from the records on
2 file in this case, and from the foregoing petition and supplement, that the Plaintiff herein, is eligible
3 for the Temporary Restraining Order relief requested. The court specifically orders the following:
4

5 1. Defendants are stayed from requiring Plaintiff to submit to weekly COVID-19 testing under
6 Tulare City School District 9/28/21 "Memorandum Of Understanding" COVID-19 Employee
7 Testing Requirement, as a condition precedent of her continued employment for the duration
8 this temporary restraining order is in effect.

9 Yes_____ No_____

10 2. Defendants are stayed from unilaterally modifying Plaintiff's existing contract of employment
11 to require the mandatory medical disclosures of COVID-19 Vaccination status for the duration
12 this temporary restraining order is in effect.

13 Yes_____ No_____

14 3. Defendants are stayed from implementation of the Tulare City School District policy of
15 mandating any disclosure of past medical treatment relating to COVID-19 as a condition
16 precedent of ANY Tulare City School District employees continued employment for the
17 duration this temporary restraining order is in effect.

18 Yes_____ No_____

19 4. Defendants are stayed from implementation of the 9/28/21 policy requiring Tulare City School
20 District employees to COVID test at the job site for the duration this temporary restraining order
21 is in effect.

22 Yes_____ No_____

23 5. Defendants are stayed from implementation of the district policy of mandating any disclosure of
24 past medical treatment as a condition precedent of ANY Tulare City School District employees
25 continued employment for the duration this temporary restraining order is in effect.

26 Yes_____ No_____

27 6. Defendants are stayed from receiving any future disclosure of past medical treatment and
28 history without first obtaining authorized consent in strict compliance with Cal. Civ. Code §

1 56.21 for ANY Tulare City School District employees for the duration this temporary restraining
2 order is in effect.

3 Yes_____ No_____

4 7. Defendants are ordered to review and destroy any records relating to Plaintiff's medical history
5 which were obtained after September 28, 2021, without first receiving authorized disclosures
6 under Cal. Civ. Code § 56.21.

7 Yes_____ No_____

8
9 8. Defendants are ordered to review and destroy any records relating to ANY Tulare City School
10 District employee whose medical history was obtained after September 28, 2021 without first
11 receiving authorized disclosures under Cal. Civ. Code § 56.21.

12 Yes_____ No_____

13 9. Defendants are stayed from terminating the Plaintiff's employment or placing the Plaintiff on
14 unpaid leave from work as punishment or retaliation for filing this lawsuit, for the duration this
15 temporary restraining order is in effect.

16 Yes_____ No_____

17 10. Defendants are stayed from preventing the Plaintiff from performing the duties she was hired to
18 perform as punishment or retaliation for filing this lawsuit, for the duration this temporary
19 restraining order is in effect.

20 Yes_____ No_____

21 11. Defendants are stayed from modify or changing Plaintiff's duties as an employee with Tulare
22 City School District. The court orders the TCSD to abide by the terms and conditions of the
23 original contract they signed with the Plaintiff for the duration this temporary restraining order
24 is in effect.

25 Yes_____ No_____

26 12. Plaintiffs requests that the court requires a Defendants to post a bond should the court deem that
27 a bond is necessary in the amount to be allocated by the court pursuant to Local Rule 151(a)
28

and the following statutes; 18 U.S.C. § 3141 et seq., 31 U.S.C. § 9301 et seq.; Fed. R. App. P. 7, 8; Fed. R. Civ. P. 65, 65.1; Fed. R. Crim. P. 46.

Yes _____ No _____ Amount Set _____

13. This Temporary Restraining order shall be in effect starting on the date: _____ and ending on the date: _____.

I hereby make a finding that plaintiff is entitled to the relief request and the Temporary Restraining Order is GRANTED; either in full or in part as specified in the itemized numerical orders above. This order is executed on the date specified below under the full authority of the Federal Judiciary via the District Court of Eastern District of California (Fresno); all the governing applicable law and the United States Constitution. This order shall take effect for the duration specified in this order and shall only be amended or extended upon a showing of cause by the party seeking the modification. It is hereby ordered that all the parties named in order to abide it until set time as a preliminary injunction can be heard or be subject to sanctions, bond forfeiture or any other remedy the Court deems appropriate.

Signed: _____

Dated: _____

This order is based the following Notice of Motion/Notice of Ex Party Proceeding (to be determined upon assignation of hearing date by this Court), on the memorandum of points and authorities served and filed herewith, on the included exhibits, on such supplemental memoranda of points and authorities as may be filed hereafter with the court, and on such oral argument as may be presented at the hearing on this motion.

Howard Williams